IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2578 OF 2007

Office Notes, Office Memoranda of Coram, appearance, Court's orders or directions & Registrar's orders	Court's or Judge's order

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Ms.Revati Mohite Dere for Applicant

Mr.K.V.Saste APP for State

Coram: V.C.Daga, J

Date: 8th August, 2007

Heard learned counsel for the applicant and learned A.P.P.

This is an application under section 439 of the Cr.P.C. to seek bail after suffering an adverse order dated 10th April, 2007 from the Court of Additional

Sessions Judge, Pune in CR.M.A.No.850/2007.

In para 4 the learned Additional Sessions Judge while rejecting bail application had observed that filing of the charge sheet does not amount to change in circumstances. This finding is absolutely incorrect and contrary to the settled legal position settled by this Court as well as the apex Court.

In the above view of the matter, the impugned order is liable to be set aside and the original application under section 439 Cr.P.C. is liable to be restored to the file of the learned Additional Sessions Judge with a direction to reconsider the application for bail on merits treating the event of filing charge sheet as a change in circumstances.

All rival contentions on merits are kept open. In the result, this application stands disposed of in terms of this order.

(V.C.Daga, J)